


Fill in this information to identify the case:

Debtor 1 Ramsdell Law Firm, LLC

Debtor 2 _____
(Spouse, if filing)

United States Bankruptcy Court for the: Western District of Missouri 

Case number 22-60685-CAN11

Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?	<u>The Hershewe Law Firm, P.C.; Edward Hershewe; Alison Hershewe</u> Name of the current creditor (the person or entity to be paid for this claim)	
	Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? <u>James V. O'Brien; Buchanan, Williams & O'Brien</u> Name <u>1105 E 32nd St., Ste 5</u> Number Street <u>Joplin</u> <u>MO</u> <u>64804</u> City State ZIP Code Contact phone <u>314-862-6865</u> Contact email <u>jobrien@bwoattorneys.com</u> Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Where should payments to the creditor be sent? (if different) _____ Name _____ Number Street _____ City State ZIP Code Contact phone _____ Contact email _____
4. Does this claim amend one already filed?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on ____ / ____ / ____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☒ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 5 1 7 6

7. How much is the claim? \$ 1,217,715.16. Does this amount include interest or other charges?
☐ No
☒ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Judgment in Greene County, Missouri Circuit Court

9. Is all or part of the claim secured? ☐ No
☒ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☒ Other. Describe: Conditional Assignment
Basis for perfection: UCC Financing Statement
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ 1,217,715.16
Amount of the claim that is unsecured: \$ 0.00 (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ 1,217,715.16
Annual Interest Rate (when case was filed) 9.00 %
☒ Fixed
☐ Variable

10. Is this claim based on a lease? ☒ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☒ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)? ☒ No
☐ Yes. Check one:

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

	Amount entitled to priority
<input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$ _____
<input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$ _____
<input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$ _____
<input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$ _____
<input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$ _____
<input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$ _____

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- ☐ I am the creditor.
☒ I am the creditor's attorney or authorized agent.
☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 01/20/2023

Signature

Print the name of the person who is completing and signing this claim:

Name James Vincent O'Brien

First name

Middle name

Last name

Title

Attorney

Company

Buchanan, Williams & O'Brien, P.C.

Identify the corporate servicer as the company if the authorized agent is a servicer.

Address

1105 E 32nd St., Ste 5

Number Street

Joplin

City

MO

64804

State

ZIP Code

Contact phone

314-862-6865

Email jobrien@bwattorneys.com

IN THE CIRCUIT COURT OF THE COUNTY OF GREENE
STATE OF MISSOURI

THE HERSHEWE LAW FIRM, P.C.,
EDWARD HERSHEWE and ALISON
HERSHEWE,

Plaintiffs

vs.

DANIEL T. RAMSDELL, WINNIE RAMSDELL,
RAMSDELL LAW FIRM, L.L.C., ASSOCIATION)
OF PLAINTIFF INTERSTATE TRUCKING
LAWYERS OF AMERICA, LLC and THE
LAWYER'S LOGBOOK, LLC,

Defendants.

FILED
10/19/2022
Greene County Circuit Court

CAUSE NO.: 1931-CC00067

DIVISION NO.: 24

JUDGMENT

BE IT REMEMBERED that on the April 18, 2022, this Court entered an Interlocutory Judgment Affirming in Part and Denying in Part Plaintiffs' Summary Judgment Motion. The said Interlocutory Judgment is hereby made permanent as to the matters therein contained, the same having been rendered in favor of Plaintiffs, The Hershewe Law Firm, P.C., Edward Hershewe and Alison Hershewe and against Defendants Daniel T. Ramsdell, Winnie Ramsdell, Ramsdell Law Firm, L.L.C., Association of Plaintiff Interstate Trucking Lawyers of America, LLC and The Lawyer's Logbook, LLC.

In addition, this matter proceeded to jury trial on September 20, 2022 on the issues remaining after the Interlocutory Judgment. Evidence and argument were heard over three days; and, on September 22, 2022, the jury returned with a verdict form. The same provided judgment in favor of the Plaintiffs on the remaining facts to be determined. This verdict of the jury was read into the record, the same having been agreed by all 12 jurors. Judgment shall, therefore, issue in

favor of Plaintiffs The Hershewe Law Firm, P.C., Edward Hershewe and Alison Hershewe and against Defendants Daniel T. Ramsdell, Winnie Ramsdell, Ramsdell Law Firm, L.L.C., Association of Plaintiff Interstate Trucking Lawyers of Americas, LLC and The Lawyer's Logbook, LLC for \$700,000.00 with interest of 9% per the Promissory Note from maturity plus attorney's fees. The Court finds that under the Promissory Note, Plaintiffs are entitled to reasonable attorney's fees and "all costs."

Subsequent to the verdict, Plaintiffs provided evidence of their attorneys' fees and costs with a Motion for Award of Attorneys' Fees and Costs, and for Entry of Judgment. The Court hereby finds the attorneys' fees submitted by Plaintiffs to be fair and reasonable and includes the same in the judgment as indicated below. The Court finds and believes that the phrase "all costs" as submitted in evidence by Plaintiffs lacks specificity and definition sufficiently for the Court to undertake to determine all of the cost items submitted and leaves the determination of the costs to be awarded according to the customary ministerial practice.

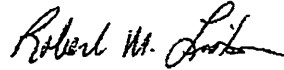
The total amount of the judgment as of October 18, 2022 is, therefore, One Million One Hundred Eighty-eight Thousand Seventy-five Dollars Ninety-six cents \$1,188,969.96, calculated and apportioned as follows:

Amount of Note:	\$ 700,000.00
Interest Through 10/18//22:	\$ 412,340.80
Attorneys' Fees:	\$ 75,735.16
Total:	<u>\$1,188,075.96</u>

NOW, ON THIS 19th DAY OF October , 2022, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Plaintiffs, The Hershewe Law Firm, P.C., Edward Hershewe and Alison Hershewe and against Defendants, Daniel T. Ramsdell, Winnie

Ramsdell, Ramsdell Law Firm, L.L.C., Association of Plaintiff Interstate Trucking Lawyers of America, LLC and The Lawyer's Logbook, LLC, jointly and severally, in the amount of \$1,188,075.16 plus the costs of this action. Post judgment interest, pursuant to R.S.Mo. 408.040 will run at 9% from the date of judgment, or at \$296.40 per day.

October 12th, 2022



The Honorable Robert M. Liston
Circuit Judge

**ADDENDUM STATEMENT ITEMIZING INTEREST, FEES,
EXPENSES AND OTHER CHARGES**

The total judgment of October 12, 2022 is \$1,188.075.16, and is itemized as follows:

Amount Due on Note:	700,000.00
Interest Through 10/18/22:	412,340.80
Attorneys' fees	75,735.16

\$ 1,188.075.16

In addition, post judgment interest is running at 9% pursuant to R. S. Mo. 408.040 from the date of the judgment, at \$296.40 per day. The total interest from October 12, 2022 to January 20, 2023 is \$29,640 (100 days x \$296.40 per day). The total claim as of January 20, 2023 is \$1,217.715.16.

1931-CC00067

Electronically Filed - Greene - January 14, 2019 - 04:59 PM

**CONDITIONAL
ASSIGNMENT OF ACCOUNTS RECEIVABLE
INCLUDING FEES**

FOR VALUE RECEIVED, the undersigned, **Ramsdell Law Firm, L.L.C.**, a limited liability company; **Daniel T. Ramsdell and Winnie Ramsdell**, husband and wife, **Association of Plaintiff Interstate Trucking Lawyers of America, Inc.** and **Lawyer's Logbook Magazine, Inc.**, jointly and severally (**Grantors**), do hereby conditionally assign all right, title and interest in and to accounts receivable including fees to which the undersigned is entitled unto **The Hershewe Law Firm, L.L.C.**, a Missouri limited liability company, and/or **Edward Hershewe and Alison Hershewe**, husband and wife (**Grantees**).

This conditional assignment is granted and is effective only in the event there is a default under the terms, covenants and conditions, of a Financing Agreement dated March 24, 2011, and/or a Promissory Note dated March 21, 2011, in the principal amount of \$700,000.00; and, then only to the extent of sums remaining due and owing under said Promissory Note and/or Financing Agreement, as consented by the holders thereof.

In the event default be made under either said Note, or Financing Agreement, then, full right, power and authority is granted unto Grantees to collect in full, all sums due, to the extent there are sums due under said Note and/or Financing Agreement, including the ability to sue, and grant releases for less than full payment, and compromise accounts due, in Grantees' absolute discretion in the name of Grantors herein.

Grantors waive any rights under the Fair Debt Collection Practices Act, if the same applies, and agree to present upon written request, a schedule of accounts receivable of each such.

Ramsdell Law Firm, L.L.C.

By: 

Daniel T. Ramsdell


Winnie Ramsdell



Association of Plaintiff Interstate
Trucking Lawyers of America, LLC

By: *Daniel J. Ramsdell*

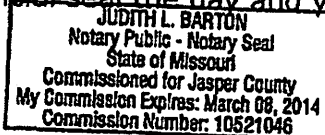
Lawyers Logbook Magazine

By: *Daniel J. Ramsdell*

STATE OF MISSOURI)
) SS
COUNTY OF JASPER)

On this 24 day of March, 2011, before me, a Notary Public, in and for said County and State, personally appeared Daniel J. Ramsdell, being by me duly sworn did state that he had read the foregoing Assignment, and has executed the same by and on behalf of Ramsdell Law Firm, L.L.C., as Representative thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



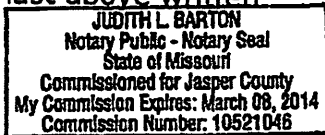
Judith L. Barton
Notary Public

My Commission Expires: March 8, 2014

STATE OF MISSOURI)
) ss.
COUNTY OF JASPER)

On this 24th day of March, 2011, before me, a Notary Public, personally appeared Daniel T. Ramsdell and Winnie Ramsdell, husband and wife, to me known to be the persons described in and who executed the foregoing Assignment, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County and State aforesaid on the day and year last above written.



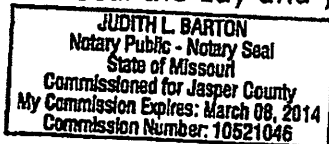
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



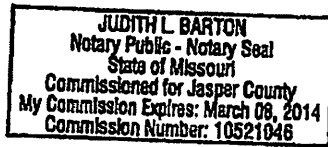
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Notary Public

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) SS
COUNTY OF JASPER)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year last above written.



Judith L. Barton
Notary Public

My Commission Expires: March 8, 2014

File Number: 1901102456049
Date Filed: 1/10/2019 1:09 PM
John R. Ashcroft
Secretary of State

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)	
Marla Noe	(314) 862-6865
B. E-MAIL CONTACT AT FILER (optional)	
mnoe@bwoattorneys.com	
C. SEND ACKNOWLEDGMENT TO: (Name and Address)	
Maria Noe 2240 S. Brentwood Blvd. Brentwood, MO 63144	

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

Page 1 of 3

1. DEBTOR'S NAME: Provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the individual Debtor's name will not fit in the line 1b, leave all of Item 1 blank, check here ☐ and provide the individual Debtor information in Item 10 of the Financing Statement Addendum (Form UCC1AD)

1a. ORGANIZATION'S NAME Ramsdell Law Firm, L.L.C.				
OR	1b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIALS	SUFFIX
	1c. MAILING ADDRESS 1736 E. Sunshine, Suite 519	CITY Springfield	STATE MO	POSTAL CODE 65804
				COUNTRY USA

2. DEBTOR'S NAME: Provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name); if any part of the individual Debtor's name will not fit in the line 2b, leave all of Item 2 blank, check here ☐ and provide the individual Debtor information in Item 10 of the Financing Statement Addendum (Form UCC1AD)

2a. ORGANIZATION'S NAME Association of Plaintiff Interstate Trucking Lawyers of America, LLC				
OR	2b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIALS	SUFFIX
	2c. MAILING ADDRESS 1736 E. Sunshine, Suite 519	CITY Springfield	STATE MO	POSTAL CODE 65804
				COUNTRY USA

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY): Provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME The Hershewe Law Firm, LLC				
OR	3b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
	3c. MAILING ADDRESS 431 S. Virginia	CITY Joplin	STATE MO	POSTAL CODE 64801
				COUNTRY USA

4. COLLATERAL: This financing statement covers the following collateral:

Accounts Receivable including fees of Ramsdell Law Firm,
L.L.C.
Accounts Receivable including fees of Association of Plaintiff Interstate Trucking Lawyers of America,
LLC
Accounts Receivable including fees of The Lawyer's Logbook, LLC

5. Check only if applicable and only one box: Collateral is ☐ held in a Trust (see UCC1Ad, Item 17 and Instructions) ☐ being administered by a Decedent's Personal Representative

6a. Check only if applicable and only one box:

☐ Public-Finance Transaction ☐ Manufactured-Home Transaction ☐ A Debtor is a Transmitting Utility

6b. Check only if applicable and only one box:

☐ Agricultural Lien ☐ Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): ☐ Lessee/Lessor ☐ Consignee/Consignor ☐ Seller/Buyer ☐ Bailee/Bailor ☐ Licensee/Licensor

8. OPTIONAL FILER REFERENCE DATA

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS

9. NAME OF FIRST DEBTOR: Same as line 1a or 1b on financing Statement; if line 1b was left blank because individual Debtor name did not fit, check ☐

9a. ORGANIZATION'S NAME Ramsdell Law Firm, L.L.C.
OR
9b. INDIVIDUAL'S SURNAME
FIRST PERSONAL NAME
ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

10. DEBTOR'S NAME -Provide (10a or 10b) only one additional Debtor name or Debtor name that did not fit in line 1b or 2b of the Financing Statement (Form UCC1) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name) and enter the mailing address in line 10c

10a. ORGANIZATION'S NAME The Lawyer's Logbook, LLC
OR
10b. INDIVIDUAL'S SURNAME
INDIVIDUAL'S FIRST PERSONAL NAME
INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

10c. MAILING ADDRESS 1304 W. Battlefield Road	CITY Springfield	STATE MO	POSTAL CODE 65807	COUNTRY USA
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11. ☒ ADDITIONAL SECURED PARTY'S NAME or ☐ ASSIGNOR SECURED PARTY'S NAME: Provide only one name (11a or 11b)

11a. ORGANIZATION'S NAME				
OR				
11b. INDIVIDUAL'S SURNAME Hershewe	FIRST PERSONAL NAME Edward	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX	
11c. MAILING ADDRESS 431 S. Virginia	CITY Joplin	STATE MO	POSTAL CODE 64801	COUNTRY USA

12. ADDITIONAL SPACE FOR ITEM 4 (Collateral):

13. ☐ This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS (if applicable)

14. This FINANCING STATEMENT:
☐ covers timber to be cut ☐ covers as-extracted collateral ☐ is filed as a future filing.

15. Name and address of a RECORD OWNER of real estate described in item 15
 (If Debtor does not have a record interest)

16. Description of real estate:

17. MISCELLANEOUS:

UCC FINANCING STATEMENT ADDITIONAL PARTY

FOLLOW INSTRUCTIONS

18. NAME OF FIRST DEBTOR: Same as line 1a or 1b on Financing Statement

18a. ORGANIZATION'S NAME

Ramsdell Law Firm, L.L.C.

OR

18b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

19 ☒ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR SECURED PARTY'S NAME - provide only one name (18a or 18b)

19a. ORGANIZATION'S NAME

OR

19b. INDIVIDUAL'S SURNAME

Hershewe

FIRST PERSONAL NAME

Allison

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

19c. MAILING ADDRESS

431 S. Virginia

CITY

Joplin

STATE

MO

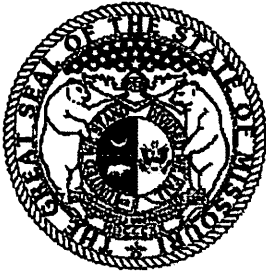
POSTAL CODE

64801

COUNTRY

USA

20. MISCELLANEOUS:



State of Missouri
Missouri Secretary of State
John R. Ashcroft

UNIFORM COMMERCIAL CODE FILING ACKNOWLEDGEMENT

01/10/2019 1:09 PM

Maria Noe
2240 S. Brentwood Blvd.
Brentwood MO 63144

File Number: 1901102456049 **Filing Date:** 01/10/2019 1:09 PM **Filing Type:** UCC1
Lapse Date: 1/10/2024 11:59:59 PM

Indexed Debtor(s):

Ramsdell Law Firm, L.L.C., 1736 E. Sunshine, Suite 519, Springfield, MO, 65804

Association of Plaintiff Interstate Trucking Lawyers of America, LLC, 1736 E. Sunshine, Suite 519, Springfield, MO, 65804

The Lawyer's Logbook, LLC, 1304 W. Battlefield Road, Springfield, MO, 65807

Secured Party(s) / Assignee(s):

The Hershewe Law Firm, LLC, 431 S. Virginia, Joplin, MO, 64801

Edward Hershewe, 431 S. Virginia, Joplin, MO, 64801

Alison Hershewe, 431 S. Virginia, Joplin, MO, 64801

Please review the above information that was indexed in our database. We have indexed the above information exactly as it was presented on your enclosed filing. If there is an error please contact the UCC office at the number below. If you wish to make a change from your original document an amendment (UCC-3) with the appropriate fee would be required.

PO Box 1159, Jefferson City, MO 65102
(573)751-4628
<http://www.sos.mo.gov/>